APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,416	08/21/2003	Ophir Rachman		9242

7590   06/16/2008

Ophir Rachman
2595 East Bayshore Road
Palo Alto, CA 94303

EXAMINER
WANG, RONGFA PHILIP

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
06/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-17,22-30 and 33* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *18,31 and 32* is/are allowed.

6)☒ Claim(s) *1-11,13-17,22-30 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detail Action

1.   This office action is in response to response filed on 3/4/2008.

2.   Per Applicant's request, claim 14 has been amended.

3.   The 35 U.S.C §112 first paragraph rejections of claim 14 has been withdrawn in view of

the Applicant's amendment to the claims.

4.   Claims 1-11, 13-17, and 22-30, 33 are pending.

Priority

5.   The priority date considered for this application is 5/16/2003.

Allowable Subject Matter

6.   Claims 18, 31 and 32 are allowable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 8, 22, 25, 26, 27, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yeung et al. (US PGPub. No. 2003/0078959).

As per claim 1,

Yeung et al. disclose

- converting an installation program which is in a *form* not formatted for streaming

  into a streamable installation program which is in a form formatted for streaming,

  the installation program for installing a software application on a computer

  system; and streaming the streamable installation program to a target processing

  system over a network to cause the installation program to configure the target

  processing system for execution of the software application ([0007], for

  example, lines 14-17, "...the installation packages...and

  utilized them to install the software...", [0036], for

  example, lines 32-33, "These files are transmitted in

  a streaming manner, rather than on a file-by-file

  basis...", where Yeung et al. discloses streaming

  installation program over a network to install

  software to a target system. Since the installation

  program is capable of streaming, there exist a

  conversion of the installation program in a form not

  formatted for streaming into a form formatted for

  streaming.).

As per claim 8,

Yeung et al. disclose

- downloading, to a client over a network, only portions of an installation program, the installation program for use to install a software application on a computer system, wherein the software application resides on a server; using only said downloaded portions of the installation program on the client to configure the client to execute the software application, including identifying portions of the software application that are to be download to the client; downloading only said portions of the software application from the server to the client; and executing the software application on the client using only said portions of the software application downloaded to the client (`[0007], for example, lines 14-17, "…the installation packages…and utilized them to install the software…", [0036], for example, lines 32-36, "These files are transmitted in a streaming manner, rather than on a file-by-file basis…only those files which needs to be updated" where Yeung et al. discloses streaming installation program over a network to install software to a target system. Yeung et al. further disclose portion of the files can be downloaded for installation.`).

As per claim 22,

Yeung et al. disclose

- means for packaging an installation program which is in a standardized

  installation format which is not formatted for streaming in a form that facilitates

  streaming of the installation program to a target processing system, the

  installation program for use in installing a software application; and means for

  streaming the installation program to the target processing system to cause the

  target processing system to be configured to execute the software

  application ([0007], for example, lines 14-17, "...the

  installation packages...and utilized them to install the

  software...", [0036], for example, lines 32-33, "These

  files are transmitted in a streaming manner, rather

  than on a file-by-file basis...", where Yeung et al.

  discloses streaming installation program over a

  network to install software to a target system. Since

  the installation program is capable of streaming,

  there exist a conversion of the installation program

  in a form not formatted for streaming into a form

  formatted for streaming.).

As per claim 25.

The rejection of claim 1 is incorporated;

Further Yeung et al. disclose

- wherein the installation format is a standardized installation format (`[0007]`,

    `line 5, "…MSI packages…")`.

As per claim 26,

The rejection of claim 25 is incorporated;

Further Yeung et al. disclose

- wherein the standardized installation format is MSI format (`[0007], line`

    `5, "…MSI packages…")`.

As per claim 27,

The rejection of claim 8 is incorporated;

Yeung et al. disclose

- prior to said downloading only portions of the installation program to the client,

    converting the installation program from a standardized installation format which

    is not formatted for streaminn into a streamable installation program which is

    configured for software streaming (`[0007], for example, lines 14-`

    `17, "…the installation packages…and utilized them to`

    `install the software…", [0036], for example, lines 32-`

    `36, "These files are transmitted in a streaming`

    `manner, rather than on a file-by-file basis…only those`

files which needs to be updated" where Yeung et al.

discloses streaming installation program over a

network to install software to a target system. Yeung

et al. further disclose portion of the files can be

downloaded for installation.).

As per claim 28,

The rejection of claim 27 is incorporated;

- Yeung et al. disclose wherein the standardized installation format is MSI

format([0007], line 5, "...MSI packages...").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

8.   Claims 2-7, 9-11, 13-17, 23, 24, 29, 30, 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yeung et al. (US PGPub. No. 2003/0078959) in view of Holler et al. (PGPub.

No. 2003/0004882).

As per claim 2,

the rejection of claim 1 is incorporated;

Yeung et al. does not specifically disclose the claimed limitation

However, Holler et al. disclose wherein said streaming the installation program to the target

processing system comprises

- using the installation program in a streaming mode to create user-specific

    information on the target processing system, the user-specific information

    for subsequent use by the software application when the software

    application is executed on the target processing system in the streaming

    mode ([0545], "1. The streamed application installation

    procedure..."; [0548], "c. Client does not have to wait

    for the entire application to be downloaded..."; [0157]

).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Holler et al. into the teachings of Yeung et al.

to include to the claimed limitation. The modification would be obvious to one of ordinary skill

in the art to want to provide optimize performance for the delivery and management of streaming

applications as suggested by Holler et al. (see [0003]).

As per claim 3, the rejection of claim 1 is incorporated;

Yeung et al. does not specifically disclose the claimed limitation,

However, Holler et al. disclose wherein said streaming the installation program to a target

processing system over a network to cause the installation program to configure the target

processing system for execution of the software application comprises

- causing the target system to be configured for streaming the software application

    ([0157], for example, line 9-10, "…updates…the

    Registry…" updating the Registry is an example of

    configuring the target system.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Holler et al. into the teachings of Yeung et al.

to include to the claimed limitation. The modification would be obvious to one of ordinary skill

in the art to want to provide optimize performance for the delivery and management of streaming

applications as suggested by Holler et al. (see [0003]).

As per claim 4, the rejection of claim 3 is incorporated;

Yeung et al. does not specifically disclose the claimed limitation,

However, Holler et al. disclose

- streaming the software application from a host processing system to the

    target processing system over the network ([0080], line 5-6,

    "…the application is converted into a form suitable

    for streaming over the network.").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the teachings of Holler et al. into the teachings of

Yeung et al. to include to the claimed limitation. The modification would be obvious to

one of ordinary skill in the art to want to provide optimize performance for the delivery

and management of streaming applications as suggested by Holler et al. (see [0003]).

As per claim 5, the rejection of claim 1 is incorporated;

Yeung et al. does not specifically disclose the claimed limitation,

However, Holler et al. disclose said streaming the installation program comprises:

- identifying portions of the installation program that need to be downloaded to the

  target processing system; downloading the portions of the installation program to

  the target processing system; and executing the installation program on the target

  processing system using only said portions([0086], "The Stream

  Enabled Application Install Block is used to install a

  SAS-based application on a client system...The Stream

  Enabled Application Install Block is the first set of

  data to be streamed from the server to the client...the

  information needed by the client to prepare for the

  streaming and execution of the application"; [0157]);.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Holler et al. into the teachings of Yeung et al.

to include to the claimed limitation. The modification would be obvious to one of ordinary skill

in the art to want to provide optimize performance for the delivery and management of streaming

applications as suggested by Holler et al. (see [0003]).

As per claim 6, the rejection of claim 1 is incorporated;

Yeung et al. does not specifically disclose the claimed limitation,

 However, Holler et al. disclose,

- **prior to streaming the installation program, packaging the installation
  program into a form which facilitates streaming of the installation
  program**`([0080], line 5-6, "...the application is`
  `converted into a form suitable for streaming over the`
  `network."; [0086], "The Stream Enabled Application`
  `Install Block is used to install a SAS-based`
  `application on a client system...The Stream Enabled`
  `Application Install Block is the first set of data to`
  `be streamed from the server to the client...";).`

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the teachings of Holler et al. into the teachings of

Yeung et al. to include to the claimed limitation. The modification would be obvious to one of ordinary skill in the art to want to provide optimize performance for the delivery and management of streaming applications as suggested by Holler et al. (see [0003]).

As per claim 7, the rejection of claim 1 is incorporated;

Yeung et al. does not specifically disclose the claimed limitation,

However, Holler et al. disclose the installation program comprises

- a dummy installation package ([0605], "...the set of pages critical for the initial invocation and packages them as part of the AIB..), application information ([0434], "...includes versioning information, application identification...) and a database, the database containing the software application and indicating a segmenting of the software application (See Fig. 31, [0428]-[0567]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Holler et al. into the teachings of Yeung et al. to include to the claimed limitation. The modification would be obvious to one of ordinary skill in the art to want to provide optimize performance for the delivery and management of streaming applications as suggested by Holler et al. (see [0003]).

As per claim 9, the rejection of claim 8 is incorporated; further Holler et al. disclose

it recites the same limitation as claim 7 and is rejected for the same reason set forth for the

rejection of claim 7.

As per claim 10,

Yeung et al. disclose

- converting an installation program which is in a standardized installation format

    that is not formatted for streaming into a form that enables streaming of the

    installation program to a target processing system, the installation program for use

    in installing a software application; and streaming the installation program to the

    target processing system ([0007], for example, lines 14-17,

    "...the installation packages...and utilized them to

    install the software...", [0036], for example, lines 32-

    33, "These files are transmitted in a streaming

    manner, rather than on a file-by-file basis...", where

    Yeung et al. discloses streaming installation program

    over a network to install software to a target system.

    Since the installation program is capable of

    streaming, there exist a conversion of the

    installation program in a form not formatted for

    streaming into a form formatted for streaming.)

Yeung et al. do not specifically disclose

- to cause the target processing system to be configured for streaming execution of

  the software application.

However, Holler et al. disclose

- to cause the target processing system to be configured for streaming execution of

  the software application ([0016], "...enables...efficiently stream

  application programs...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Holler et al. into the teachings of Yeung et al.

to include to cause the target processing system to be configured for streaming execution of the

software application. The modification would be obvious to one of ordinary skill in the art to

want to provide optimize performance for the delivery and management of streaming

applications as suggested by Holler et al. (see [0003]).

As per claim 11,

the rejection of claim 10 is incorporated; further Holler et al. disclose

- said streaming the installation program to the target processing system comprises

  using the installation program in a streaming mode to create user-specific

  information on the target processing system, the user-specific information for

  subsequent use by the software application when the software application is

  executed on the target processing system in the streaming mode ([0545], "1.

  The streamed application installation procedure...";

[0548], "c. Client does not have to wait for the

entire application to be downloaded…"; [0157]).

As per claim 13, the rejection of claim 10 is incorporated; further Holler et al. disclose

- it recites the same limitation as claim 7 and is rejected for the same

    reason set forth for the rejection of claim 7.

As per claim 14,

Yeung et al. disclose

- input an installation package for use in installing a software application on a

    target system, the installation package being in a form not formatted for

    streaming, the -installation package including a plurality of files ([0007],

    for example, lines 14-17, "…the installation

    packages…and utilized them to install the software…",

    [0036], for example, lines 32-33, "These files are

    transmitted in a streaming manner, rather than on a

    file-by-file basis…", where Yeung et al. discloses

    streaming installation program over a network to

    install software to a target system. Since the

installation program is capable of streaming, there

exist a conversion of the installation program in a

form not formatted for streaming into a form formatted

for streaming.).

Yeung et al. do not specifically disclose

- identifying all of the plurality of files in the installation package;

- classifying each of the plurality of files according to file type;

- creating a plurality of dummy files for one or more files of the plurality of files, which are classified to have a predetermined file type;

- creating a dummy installation image that includes the plurality of dummy files; and

- creating the streaming installation package from the dummy installation image,

- said streaming installation package being in a form that can be executed on a target system in a streaming mode.

However, Holler et al. disclose

- classifying each of the plurality of files according to file type; creating a plurality of dummy files for one or more files of the plurality of files, which are classified to have a predetermined file type;

- creating a dummy installation image that includes the plurality of dummy files; ([0173], " non-application-specific files…"; [0431], for example, line 6-7, "The information includes the total byte size and an index table…", further, lines

19-22, "…any application-specific installation not

covered by the default streamed application…"); and

- creating the streaming installation package from the dummy installation

package([0605], "…the set of pages critical for the

initial invocation and packages them as part of the

AIB…See Fig. 31, [0428]-[0567]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Holler et al. into the teachings of Yeung et al.

to the above disclosed limitation supported by Holler et al. The modification would be obvious

to one of ordinary skill in the art to want to provide optimize performance for the delivery and

management of streaming applications as suggested by Holler et al. (see [0003]).

As per claim 15, the rejection of claim 14 is incorporated; further Holler et al. disclose

- the non-streaming installation package conforms to an installation standard

([0283], last two lines, "On Windows 2000, for

example, the Installer Service is called "msi.exe.").

As per claim 16, the rejection of claim 14 is incorporated; further Holler et al. disclose

- the streaming installation package further includes application information

and a database, wherein the database contains the software application

and indicates a segmenting of the application(`[0434], "…includes`

`versioning information, application identification…);`

`(See Fig. 31, [0428]-[0567]).`

As per claim 17, the rejection of claim 14 is incorporated; further Holler et al. disclose

- the streaming installation package is configured to be streamed to a target system

to configure the target system for execution of a software application in a

streaming mode(`[0545], "1. The streamed application`

`installation procedure…"; [0548], "c. Client does not`

`have to wait for the entire application to be`

`downloaded…"; [0157] ).`

As per claim 23, the rejection of claim 22 is incorporated, it recites the same limitation as in

claim 2 and is rejected for the same reason set forth for the rejection of claim 2.

As per claim 24, the rejection of claim 23 is incorporated; it recites the same limitation as in

claim 3 and is rejected for the same reason set forth for the rejection of claim 3.

As per claim 29.

The rejection of claim 14 is incorporated;

Further Yeung et al. disclose

- wherein the installation format is a standardized installation format ([0007],

line 5, "...MSI packages...").

As per claim 30,

The rejection of claim 29 is incorporated;

Further Yeung et al. disclose

- wherein the standardized installation format is MSI format ([0007], line

5, "...MSI packages...").

As per claim 33,

The rejection of claim 22 is incorporated;

Further Yeung et al. disclose

- wherein the standardized installation format is MSI format ([0007], line

5, "...MSI packages...").

Response to Arguments

9.   Applicant argued the installation program is for installing another program (per

page 12 of the remark). Further, the Applicant indicates an installation package is an

installer(remark, page 15).   The cited references do not support the claim limitation.

Upon reviewing the Applicant's specification, ([0044]-[0046]), it appears an installation

program/package does not appear need to include an installer. [0044] discloses "

Examples of how MSI packages are created will now be described with

reference to Figures 6, 7 and 8…."; [0046], "…This single file install assumes the

Windows Installer engine already exists and does not need to be included on the disk

image."   Therefore, the specification appears to indicate an installer does not

necessarily have to be in the installation program/package. It is for this reason, the

examiner consider the recited prior art support the argued claim limitation.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Wei Zhen/
Supervisory Patent Examiner, Art Unit 2191